

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, April 12, 2005**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George G. Forrest, County Administrator
Donna Gebicke, Administrative Assistant (Recorder)
Kate Mauck, Senior Administrative Coordinator (Recorder)

Kate Mauck recorded the following minutes:

CALL TO ORDER

The meeting was called to order at 9:11 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register. Motion carried, 5-0.

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, April 5, 2005. Motion carried, 5-0.

RECOGNITION OF COUNTY EMPLOYEES: ACCRUED SICK LEAVE AWARDS

Present: June Robrecht, Acting Human Resources Director/Risk Analyst
Amber Norris, Senior Human Resources Specialist

The Board of County Commissioners presented awards in recognition of the following individuals who have accumulated sick leave balances in multiples of 100 days as of December 31st, 2004:

One-Hundred Day Club Awards

Mary E. Collier – Information Technology
James A. Gray – Department of Public Works
James L. Tanavage - State’s Attorney’s Office
Marcus (Tyron) Harris – Recreation, Parks, and Community Services
Deputy First Class David M. Alexander – Sheriff’s Office
Sergeant Theodore Belleavoine – Sheriff’s Office
Corporal Helen Nolan – Sheriff’s Office
Senior Deputy First Class William E. Hill – Sheriff’s Office
Senior Deputy First Class Dung T. Ross – Sheriff’s Office
Deputy First Class Richard W. Russell – Sheriff’s Office
Allen M. Settle – Department of Public Works
Deputy First Class Daniel L. Snyder – Sheriff’s Office
Deputy First Class Eric S. Walker – Sheriff’s Office
Corporal Anthony Fenwick – Sheriff’s Office

Two-Hundred Day Club Awards

Deanna Snyder – Human Resources
Rose Thompson – Treasurer’s Office
Sergeant Mickey Bailey – Sheriff’s Office

CHRISTMAS IN APRIL INVITATION

Present: Mary Ann Chasen
Chris Longmore, President, Christmas in April Board
John Weiner, Christmas in April Board Member

PROCLAMATIONS

The following Proclamations were presented by the Board of County Commissioners:

- Soil Stewardship Week
- National Public Safety Telecommunications Week
- Sexual Assault Awareness Month
- National Library Week

DISABILITY AWARENESS MONTH: WHITE MARSH ELEMENTARY SCHOOL

Students from White Marsh Elementary School provided presentations in honor of Disability Awareness Month.

COUNTY ADMINISTRATOR

1. Draft Agendas for April 19 and April 26, 2005

2. Department of Recreation, Parks, and Community Services - Community Services Division

Present: Cynthia Brown, Community Services Manager
Eugene R. Johnson, Executive Director, Alternatives for Youth and Families

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign lease agreement with Alternatives for Youth and Families, Inc. for the Strengthening Families Program. Motion carried, 5-0.

3. Department of Recreation, Parks, and Community Services

Present: Phil Rollins, Director

Also present for item a: Joyce Malone, Real Property Manager

- a. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Agreement of Lease with the State of Maryland, Department of Natural Resources, for lease of the property located at the St. Clements Island Museum Recreation Area. Motion carried, 5-0.**

Also present for items b, c, & d: Jeannett Cudmore, Deputy Finance Director

- b. **Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Budget Amendment to transfer \$50,000 from the FIN05 Capital Reserve to the Three Notch Trail Project #PA0106 for an engineering firm to do the design and engineering for Phase II of the Three Notch Trail. Motion carried, 5-0.**
- c. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to transfer \$75,000 from the FIN05 Capital Reserve to the Chaptico Park Project #PA7814 to enable construction of an accessible playground. Motion carried, 5-0.**

Commissioner Raley directed Mr. Rollins to report back to the Commissioners on whether or not the 5th District Park, which is located behind Lettie Marshall Dent Elementary School, is ADA accessible.

Also present for item d: John B. Norris, III, County Attorney

- d. **Commissioner Jarboe move, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment to transfer \$50,000 from the FIN05 Capital Reserve to the Three Notch Trail Project #PA0106 to enable the award of an alternate to install fiber optic**

cable for the IT Department from the Charlotte Hall Library to the Northern County Senior Center. Motion carried, 5-0.

Commissioner Mattingly asked Mr. Rollins to check with Mr. Bob Kelly, IT Director, on the following: as the other sections of the trail are constructed, look into either installation of fiber optic cable or installation of the conduit to allow the cable at a later date.

4. Human Resources Department

Present: Dee Snyder, Benefits Coordinator
Jeannett Cudmore, Deputy Finance Director

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the change in vision benefits for county employees to the improved benefit being offered by CareFirst Blue Cross Blue Shield effective July 1, 2005. Motion carried, 5-0.

5. Real Property Manager and County Attorney

Present: Joyce Malone, Real Property Manager
John B. Norris, III, County Attorney

- a. **Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Termination and Release of Right of Recovery Notice with the Board of Public Works on behalf of the Department of Juvenile Services, for release of the Right of Recovery on the building formerly known as the Tri-County Youth Services Bureau Building, located at 37575 Charlotte Hall Road, Charlotte Hall, Maryland. Motion carried, 5-0.**

Staff was directed to put together a presentation for the Board of Public Works outlining the benefit to the region due to the good use of the building.

- b. **Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the County Administrator to sign the Maryland State Clearinghouse Agency Review Request Form, State Application Identifier MD20050301-0103 for the disposal of excess land by the Maryland Military Department. Motion carried, 5-0.**

6. Department of Public Works and Transportation

Present: George Erichsen, Director

- a. **Public Works Agreement Addendum for Southwoods PUD Subdivision, Phase 1. Located in the 8th Election District with an expiration date of March 1, 2006.**

- The Bond provided by the Developers Surety and Indemnity Company in the amount of \$341,200 remains as posted based on the Department's Inspection Report dated February 18, 2005. The Public Works Agreement and Bond in the amount of \$341,200 were originally issued on August 6, 1999. The road included in this agreement is: Baywoods Road (2,273').*
- b. *Public Works Agreement Addendum for Southwoods PUD Subdivision, Phase 2. Located in the 8th Election District with an expiration date of March 1, 2006. The Bond provided by the Developers Surety and Indemnity Company in the amount of \$361,800 remains as posted based on the Department's Inspection Report dated February 18, 2005. The Public Works Agreement and Bond in the amount of \$361,800 were originally issued on August 5, 1999. The roads included in this agreement are: Birds Eye Court (652'), Arum Place (137'), Caraway Place (122'), Dayflower Place (236'), and Fox Den Court (667').*
- c. *Public Works Agreement Addendum for Greens Rest Farms Subdivision, Section 5. Located in the 2nd Election District with an expiration date of April 1, 2006. The Letter of Credit provided by the Mercantile Southern Maryland Bank in the amount of \$498,600 remains as posted based on the Department's Inspection Report dated February 23, 2005. The Public Works Agreement and Letter of Credit in the amount of \$498,600 were originally issued on May 20, 2004. The roads included in this agreement are: Green's Crossing Court (3,003') and Kayak Court (1,011').*
- d. *Public Works Agreement Addendum for Cecil's Mill Subdivision, Section 1. Located in the 8th Election District with an expiration date of April 1, 2006. The Bond provided by the Western Surety Company in the amount of \$952,000 remains as posted based on the Department's Inspection Report dated March 16, 2005. The Public Works Agreement and Bond in the amount of \$952,000 were originally issued on February 5, 2003. The roads included in this agreement are: Pleasant Mill Drive (240'), Autumn Mill Court ((514'), Brook Mill Court (919'), Cecil's Mill Court (321'), Dry Mill Lane (368'), Edge Mill Court South (603'), Edge Mill Court North (176'), Flower Mill Court (691'), Governor's Mill Court (706') and Harvest ill Court (455').*
- e. *Public Works Agreement Addendum for The Woods at Myrtle Point Subdivision, Section 1. Located in the 8th Election District with an expiration date of April 1, 2006. The Bond provided by the Lexon Insurance Company in the amount of \$738,300 remains as posted based on the Department's Inspection Report dated March 10, 2005. The Public Works Agreement and Bond in the amount of \$738,300 were originally issued on February 16, 2004. The roads included in this agreement are: Placid Hill Road (632'), Placid Hill Place (144'), Woodhaven Drive (1,435'), and Quiet Oak Court (201').*

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Public Works Agreement Addendums for items a, b, d, and e. Motion carried, 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Public Works Agreement Addendum item c. Motion carried, 5-0.

7. Department of Land Use and Growth Management

Present: Phil Shire, Planner IV
John B. Norris, III, County Attorney

- a. **Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign TDR Instrument of Final Transfer (2 TDRs) to Glenwood Coombs, Jr. Property, Subdivision case file #04-120-011. Motion carried, 5-0.**
- b. **Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign TDR Instrument of Final Transfer (1 TDR) to 23076 Three Notch Road, LLC Property (Dugan, McKissick, and Wood Building), Site Plan Case File #03-132-011. Motion carried, 5-0.**
- c. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign TDR Instrument of Final Transfer (4 TDRs) to Beck and Beck, LLC Property (Beck Office Buildings), Site Plan Case File #03-132-018. Motion carried, 5-0.**

Commissioner President McKay asked the Department of Land Use and Growth Management to keep a chart of land being preserved through the TDR Program.

8. Boards and Committees

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign letter of appointment for the following Boards, Committees, and Commissions. Motion carried, 5-0.

Human Relations Commission

Term to Expire

Jayne Hunsinger

6/30/2006

PRESENTATION: SPERRY VAN NESS ACCELERATED MARKETING PROGRAM FOR PROPERTY AUCTIONS

Present: Paul McInnis, Senior Auction Advisor
Libby Rankin

An overview of the Sperry Van Ness Accelerated Marketing Program for property auctions was presented to the Board of County Commissioners.

DECISIONS AND/OR ORDINANCES:

PROPOSED AMENDMENTS TO THE COMPREHENSIVE ZONING MAP FOR PROPERTY OF BODY BY DESIGN

Present: Denis Canavan, Director, Land Use and Growth Management
Jeff Jackman, Senior Planner

A public hearing regarding a proposed amendment to the Comprehensive Zoning Map for property of Body by Design was conducted on November 30, 2004. The public hearing was properly advertised in the *Enterprise* newspaper on November 10 and November 17, 2004. The proposed amendment would provided for a Zoning Change to Parcel 233 of Tax Map 34, Case ZMAP-04-245-002, "Body By Design", and would change the zoning from RMX, Residential Mixed Use zoning to CMX, Corridor Mixed Use zoning.

Commissioner Raley moved, seconded by Commissioner Dement, on Case #ZMAP-04-245-002, "Body By Design", Parcel 233 of Tax Map 34, for a petitioning request changing the zoning from RMX to CMX, that said request be approved and signed in the form of an Ordinance. Motion carried, 5-0.

WILDEWOOD RESIDENTIAL, LLC REQUEST FOR TEMPORARY EASEMENT AGREEMENT AUTHORIZING THE CROSSING OF THE RAILROAD RIGHT-OF-WAY FROM WILDEWOOD COMMUNITY TO ROUTE 235

Present: Denis Canavan, Director, Land Use and Growth Management

The matter of Wildewood Residential, LLC, request for Temporary Easement Agreement authorizing the crossing of the railroad right-of-way from Wildewood Community to Route 235 was discussed at the Board of County Commissioners' meeting the last two weeks, and after input and responses by staff regarding the matter, was brought forward for a final decision on the matter. Staff assured the Commissioners that any water drainage problems with the new apartments in Wildewood would be resolved, and that staff would ensure that there would be no additional stormwater management issues presenting more problems in the future, when/if additional development takes place.

Commissioner Raley moved, seconded by Commissioner Mattingly, the following:

"With the relief FDR Boulevard could have for the intersection of Routes 4 and 235 and, acknowledging that another entrance to Wildewood from Route 235 was contemplated in the 1978 Development Plan for the Wildewood PUD, I move that

we approve and direct staff to prepare for the Commissioner President's signature, an easement agreement permitting the crossing of the County's right-of-way, being the former railroad right-of-way, with the following conditions:

(1) that the variable width right-of-way labeled "Future FDR Blvd." shown on the December 8, 2004 Concept Plan submitted by the Applicant be constructed through all of the Applicant's property, in the manner required by the County and State through the site plan review and approval process, and deeded and dedicated to the County for use as a public road;

(2) that all of the Wildewood PUD shall have two-way access to FDR Boulevard, to be constructed, which may be accomplished by a private drive of sufficient size, as determined by the Dept. of Public Works & Transportation; and

(3) that the Applicant shall participate in the construction of the hiker/biker trail within the County railroad right-of-way, through the SMECO Property adjacent to the right-of-way; and

(4) that the developer will pursue all practical means to work with the property owners to the south that would allow the continuation of FDR Boulevard to Route 4; and

(5) that should the Applicant, its heirs, successors or assigns fail to abide by any of these conditions, the easement across the County's right-of-way granted herein shall immediately be voided without further action; and

(6) that should the County ever require the termination of this easement across the County's right-of-way granted herein, the Applicant its heirs, successors or assigns shall remove all improvements installed within the County's right-of-way and surrender its use of the easement area without compensation, damages or remuneration from the County." Motion carried, 5-0.

**REQUEST FOR EASEMENT THROUGH ST. ANDREWS LANDFILL PROPERTY
TO PROVIDE SEWER SERVICE FOR ST. MARY'S CROSSING RESIDENTIAL
SUBDIVISION – REQUEST TO SCHEDULE A PUBLIC HEARING**

Present: George Erichsen, Director, Department of Public Works and
Transportation

Heidi Dudderar, Deputy County Attorney

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve the scheduling of a public hearing in order to obtain public input on the proposed easement. Motion carried, 5-0.

**DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT:
PRESENTATION OF DRAFT ZONING AND SUBDIVISION TEXT
AMENDMENTS POLICY**

Present: John B. Norris, III, County Attorney
Denis Canavan, Director, Land Use and Growth Management

Staff presented a Zoning and Subdivision Text Amendments Policy for consideration by the Board of County Commissioners. The policy would provide for the following of procedures for all text amendments to either the St. Mary's County Zoning Ordinance or the St. Mary's County Subdivision Ordinance. The policy has gone through the Development Review process.

Staff was directed to draft a Resolution adopting the Zoning and Subdivision Text Amendments Policy, and to place this on the Commissioners' agenda for next week.

COMMISSIONERS' TIME

Commissioner Jarboe

Reported that, along with Commissioner Mattingly and Commissioner President McKay, attended a recent Community Preservation Coalition meeting at All Faith Episcopal Church. Stated that the Coalition is very concerned with buffer zone issues, and that Mr. Canavan already addressed one issue regarding the buffer zone, where the zone is located by the church, and the development is coming in by the graveyard. *Asked staff to check the site plan buffer zone on property located next to the junkyard in Charlotte Hall to see if the conditions are the same as what was approved previously. In addition, the Department of Public Works and Transportation should check into a concern due to construction of the hiker/biker trail at the location where there is a small portion of the trail that runs in front of the house (house located along the highway) - concern was expressed that two different types of materials for the trail were being utilized, when only one should be used.*

Commissioner Raley

Reported that he attended the St. Clement's Island and Piney Point Museum event when personnel honored the many volunteers that have given a tremendous number of hours by at the museums.

Also attended the Nineteenth Annual Human Relations Awareness Day Breakfast and Awards Presentation at the Harry Lundeberg School of Seamanship, which honored four citizens. Expressed congratulations to Kelsey Bush, Cynthia Brown, and members of the Human Relations Committee for putting together an excellent event.

Commissioner Dement

Reported that the Newtowne Players' production of *Cheaters* had a successful first week and a large turnout over the past weekend. Encouraged citizens in the community to attend the showings on April 15, 16, & 17 in order to experience a very good performance.

Reported that he and Commissioner Mattingly also attended the Human Relations Awareness Day Breakfast and Awards Presentation.

Reported that Saturday's Hospice Run/Walk was successful, and that Commissioner President McKay walked for the event.

Reported that he and Commissioner Mattingly also attended the Friends of the Piney Point Lighthouse event.

Congratulated Mr. Frankie Merson upon the event of his 60th birthday.

Commissioner Mattingly

Stated that the Human Relations Breakfast was a very nice event, and expressed congratulations to the individuals who were honored at the event.

Reported that he was unable to attend the Volunteer Appreciation Dinner, and expressed his apologies to the Friends of the Museum, as he needed to attend an event in Washington. The event was a dinner that he has attended for the 17th year in a row. Attended the dinner, along with John Gatton, Jr., President of the Southern Maryland Firemen's Association, Bobby Balta, who will be the 1st Vice President of the Maryland State Fireman's Association, and George Kenneth who is the Chief at Patuxent River NAS. The very nice event drew about 2,000 people, and it was held at the Washington Hilton.

Reported that he recently sat in on a meeting of the Emergency Services Committee, which included a presentation on a recruitment program that is being implemented. Outlined specifics regarding the program, which is done in conjunction with the Board of Education, and reported that Commissioners would likely soon hear more information about the program.

Reported that he was asked to judge at the last minute, an oratorical contest, which was sponsored by the Optimist's Club. Expressed congratulations to the winners of that event.

Reported that a frame shop by the name of Mattedi Gallery recently held their Grand Opening and Ribbon Cutting Celebration in Wildewood Shopping Center, and some of the Commissioners attended that event. They are wished every success in their new ventures.

Commissioner President McKay

Stated that Mattedi Gallery is a symbol of change taking place in St. Mary's County, along with the theatre in Lexington Park. These new establishments point to cultural arts taking root in the county.

Reported that he enjoyed the Preservation Committee meeting that was held on Friday night, and thought there were many good points made.

Apologized for being unable to attend the Human Relations Awareness Day Breakfast, and that he was participating at the time in the Hospice Walk/Run, which drew at least 1,200 people as participants. I proved to be a phenomenal event, and he expressed appreciation for the support for Hospice by the citizens of the county.

Attended the 3rd Annual Chopticon High School Air Force JROTC Military Ball, which was an excellent event. This program has really taken off at Chopticon and is also beginning to take root at the other high schools. The ROTC program really builds character in the young men and women at our high schools, and they are to be congratulated.

Outlined Rural Legacy concerns for St. Mary's County. Reported that he requested a meeting, and the recently met with, the Governor's Chief of Staff and the Director of the Rural Legacy Program who works with the Department of Natural Resources, regarding Rural Legacy considerations for the county. Reported on the results of that meeting, and also outlined a meeting that will be held at the Captain Walter Francis Duke Regional Airport on Thursday, April 21st, to meet with officials and key staff in order to tour areas proposed by the Commissioners for the state's Rural Legacy Program. Provided details of the meeting, and reported that a press conference will be held immediately following the meeting at 12:45 p.m. It is hoped that a fly-over will take place that day as well.

REQUEST TO CONDUCT AN EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to add a request to conduct an Executive Session onto today's agenda. Motion carried, 5-0.

VOTE TO MOVE INTO EXECUTIVE SESSION

Commissioner Dement moved, seconded by Commissioner Raley, for the Board of County Commissioners to meet in Executive Session in order to discuss

Personnel, as provided for in Article 24, Section 4-210(a)1. Motion carried, 5-0.

Donna Gebicke recorded the following minutes:

EXECUTIVE SESSION

Personnel

Present: Commissioner Thomas F. McKay, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George Forrest, County Administrator
John Norris, County Attorney
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 3:15 – 4:00 pm

Action Taken: The Commissioners discussed personnel matter.

Kate Mauck recorded the remaining minutes:

PUBLIC FORUM

Present: Denis Canavan, Director, Land Use and Growth Management

Commissioner President McKay opened the evening Public Forum for public comment, with the following individuals speaking:

Mary Ruth Horton – 44173 St. Andrew’s Lane, California, MD – Represented homeowners of St. Andrew’s Estates – asked if the county was aware of any development which is occurring or about to begin on the property behind the St. Andrew’s Estate. Commissioners were aware of nothing; however, they explained that the PUD for Wildewood has been the same for many years, and that it allows for significant future development, and that there have been no changes to the Wildewood PUD in recent years. In addition, Ms. Horton outlined concern for traffic issues and septic/well systems in the area surrounding St. Andrew’s Estates. Mr. Canavan gave his business card to Ms. Horton, and reassured her that he would respond to any questions now or in the future regarding questions she or the homeowners in her development might have concerning future development in that area. It was reported to Ms. Horton that a public hearing would be held regarding the St. Mary’s Crossing request for easement.

Eileen Hislop – 44163 St. Andrew’s Lane, California, MD – stated that she was told that in the Master Plan there were no plans to build behind St. Andrew’s Estates because wetlands are located there. In addition, outlined reasons for concern about Mr. Carter’s presentation regarding Adult Daycare, and cutbacks for programs for the most vulnerable of citizens in the county. Asked Commissioners to respond to questions from senior citizens before making any final decisions regarding the matter. Commissioners reassured Ms. Hislop that they will be accepting public comment through the budget

process, and also, that there was a 44% increase in budgeted funding for the Office on Aging this year.

Clare Whitbeck – Leonardtown – President, St. Mary’s Senior Coalition – reported that their organization meets the 4th Monday of each month at the Garvey Center. Outlined budget concerns regarding a \$25,000 cut in the Senior Nutrition Program. Reported that she is a driver for Meals on Wheels, and that two of the individuals that she delivers to (one blind, one without transportation) have received letters that they will be cut from the program as of April 15th. Outlined the state’s requirements for the program, which were minimal, and asked that Commissioners to provide meals to these citizens. Commissioners reported that these citizens would not be cut from the program.

In addition, Ms. Whitbeck outlined issues with the potential closing of the Oakley Senior Center in the 7th District. Also discussed were chips in the floor at the Northern Senior Center in the kitchen area. Congratulated the Board of County Commissioners for an excellent facility.

ADJOURNMENT

The meeting adjourned at 7:15 p.m.

Minutes Approved by the Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator

This page intentionally left blank.